

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE: David Fetsko
Miranda Fetsko

Debtor(s)

BK. NO. 19-24472 CMB

USAA FEDERAL SAVINGS BANK
Movant

v.

David Fetsko
Miranda Fetsko

Respondents

and
Ronda J. Winnecour, Trustee

Additional Respondents

CHAPTER 13

MOTION FOR RELIEF FROM THE AUTOMATIC STAY

/s/ Brian C. Nicholas, Esquire

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Date: September 24, 2020

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FOR RELIEF FROM THE AUTOMATIC STAY**

Movant, by its Attorney, KML Law Group, P.C., hereby requests a termination of the Automatic Stay and leave to foreclose on its mortgage on real property owned by Debtor(s).

1. Movant is USAA FEDERAL SAVINGS BANK.
2. Debtor(s), David Fetsko and Miranda Fetsko, are the owner(s) of the premises located at 1 Smith Street, Charleroi, PA 15022, hereinafter known as the mortgaged premises.
3. Movant is the holder of a mortgage, original principal amount of \$155,000.00 on the mortgaged premises that was executed on November 15, 2018. Said mortgage was recorded on November 16, 2018 in Instrument Number 201828557. The mortgage was subsequently assigned to Movant by way of Assignment of Mortgage.
4. Movant has instituted or wishes to institute foreclosure proceedings on the mortgage because of Debtor's failure to make the monthly payment required thereunder.
5. As of August 14, 2020, the payoff amount due on the mortgage is \$170,195.19.
6. Debtor(s) are currently delinquent in payments to the Chapter 13 Trustee in the amount of \$5,514.00.
7. The total amount of post-petition arrearage is \$10,711.54. The Debtors are currently due for January 2020 through March 2020 in the amount of \$1,200.81 and \$1,260.86 for April 2020 through August 2020 and \$456.05 in suspense.

8. The fair market value of the premises is \$155,000.00 per the Debtors' Schedules.
9. The Senior Lien Holders on the premises are none.
10. The Junior Lien Holders on the premises are none.
11. The foreclosure proceeding filed or to be instituted were stayed by the filing of the instant

Chapter 13 Petition.

12. Debtor(s) have no or inconsequential equity in the premises.
13. Movant has cause to have the Automatic Stay terminated as to permit Movant to complete foreclosure on its mortgage.

16. This motion and the averments contained therein do not constitute a waiver by the Moving Party of its right to seek reimbursement of any amounts not included in this motion, including fees and costs, due under the terms of the mortgage and applicable law.

WHEREFORE, Movant respectfully requests that this Court enter an Order modifying the Automatic Stay under Section 362 with respect to the mortgaged premises as to permit Petitioner to foreclose on its mortgage and allow Movant or any other purchaser at Sheriff's Sale to take legal action for enforcement of its right to possession of said premises.

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